IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1482 OF 2005

Mr.Vinayak Baburao Shinde ..Petitioners.

V/s.

The State of Maharashtra & Others ...Respondents.

Mr.Mohan Jaykar for the Petitioner.
Mr.D.P.Adsule, A.P.P.for the State.

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : 18th August, 2005.

P.C.:

1. Heard both sides. The Petitioner is seeking quashing of C.R.No.49/05 of Lonavala City Police Station and chargesheet filed in the said case. The said case is mainly under section 323, 143,147,148,149, 395 of the Indian Penal Code and under section 3(1)(X) and 3(1)(XI) of the Scheduled Castes And Scheduled Tribes (Prevention of Atrocities Act, 1989).

2. In the present case, investigation is over and chargesheet has been filed. During the course of investigation, statements of Nivrutti Kondiba Gaikwad, Dnyaneshwar Chandrakant Gaikwad, Milind Khandu Gaikwad, Shashikant Tukaram Desai, Mahesh Bhiva Desai came to be recorded. Nivrutti Gaikwad has stated that on 13.2.05, the Petitioner and 20-25 others came near the public tap. They were armed with weapons and they were saying

"Mahar, Chambhar hyana mara, dhara". It is further stated that these persons assaulted Chandrakant and Suryaji Gaikwad and other persons. It is also stated that the Petitioner and Dhananjay Jadhav went to Valvan village and came back with 20-25 persons and assaulted persons as well as this mob snatched Mangalsutra and earrings of Chhaya Gaikwad. Statements of other witnesses are on the similar lines as that of Nivrutti Gaikwad. Thus, it is seen that there is sufficient material collected during the course of investigation of this case which clearly brings out the complicity of the Petitioner in the present case. In this view of the matter, this is not a fit case to quash C.R.No.49/05 and the chargesheet filed in the said case.

3. It is clarified that the Trial Court shall not be influenced by any observations in this order while deciding the trial.

3. The Writ Petition is disposed of.

(V.K.TAHILRAMANI,J.)